

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose ARVIZU-Ron,

Defendant

Magistrate Docket No.

2008 JAN 22 11:10:54
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SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

BY RM DEPUTY

Title 8, U.S.C., Section 1326

Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about **January 18, 2008** within the Southern District of California, defendant, **Jose ARVIZU-Ron**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

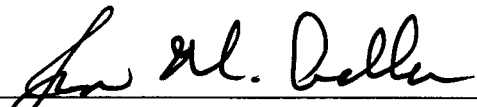


SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF JANUARY
2008



Jan M. Adler

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Jose ARVIZU-Ron

PROBABLE CAUSE STATEMENT

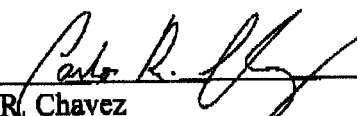
I declare under the penalty of perjury that the following statement is true and correct:

On January 18, 2008, Border Patrol Agent M. Staunton was assigned to patrol duties in Dulzura, California. This area is located approximately five miles west of the Tecate, California Port of Entry and a mile north of the United States/Mexico International border. This area is known for individuals attempting to further their illegal entry into the United States. At approximately 6:30 p.m., Agent Staunton responded to a seismic sensor activation and observed a group of seven individuals walking north along a dirt road a half mile south of State Route 94. Agent Staunton using his hand-held radio, notified Border Patrol Agents J. Byland and M. Bedoya that the group was walking towards their location. The agents encountered the individuals but the group proceeded to run away from them. After a thorough search of the area, Agent Byland came upon one of the individuals that had been part of the group, while Agent Bedoya came across three of the remaining six individuals hiding in some brush. Agent Byland then questioned the individuals as to their country of citizenship and immigration status. All individuals, including one later identified as the defendant **Jose ARVIZU-Ron**, stated that they were citizens and nationals of Mexico illegally present in the United States. The defendant and the other individuals were also questioned if they possessed any immigration documents that would allow them to be or remain legally in the United States. The defendant and the other individuals stated they did not. At approximately 8:27 p.m., Agent Byland placed the defendant and the other individuals under arrest and transported them to the Brown Field Border Patrol Station for further processing.

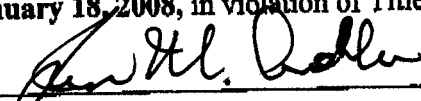
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on March 29, 2007 through Nogales, Arizona. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

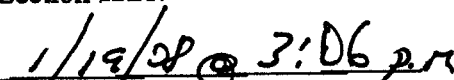
The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on January 19, 2008 at 10:00 a.m.


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on January 18, 2008, in violation of Title 8, United States Code, Section 1326.


Jan M. Adler
United States Magistrate Judge


Date/Time